

EX

**Notice of Allowability**

Application No.

10/680,658

Examiner

Jessica T. Stultz

Applicant(s)

BOULINEAU ET AL.

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment and Remarks filed October 20, 2005.
2. ☒ The allowed claim(s) is/are 1-34 and 37-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*JTS* 11/22/05  
**JORDAN SCHWARTZ**  
 PRIMARY EXAMINER

*JTS*

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Allowed claims: 1-34 and 37-45

***Examiner's Comments***

For applicant's information, the amended specification and drawings filed October 20, 2005 overcome the previous objections to the specification and drawings.

***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance: none of the prior art alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103.

Specifically regarding independent claim 1, none of the prior art alone or in combination disclose or teach of an optical element having a first layer with a first size, and a second functional layer having a second size disposed adjacent the inner side of the first layer, wherein the second size is a smaller size than the first size, specifically wherein the optical element is used in a mold for an injection molded lens and wherein the second size is smaller than an inner diameter of the mold.

Specifically regarding independent claim 22, none of the prior art alone or in combination disclose or teach of a method of making an optical element comprising: providing a first layer having a lamination and non-lamination side, providing a second functional layer, configuring the second layer against the lamination side of the first layer, wherein the second layer has a size less than the first layer, specifically wherein the optical element is used in a mold and wherein the size of the second layer is less than an inner diameter of the mold.

Specifically regarding independent claim 32, none of the prior art alone or in combination disclose or teach of a functional wafer having a first layer with a first size, a second layer having a second size disposed against the first layer, wherein the second size is a smaller size than the

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first size, specifically wherein the functional wafer is insertable into a mold for use in making an injection molded lens and wherein the second size is smaller than an inner diameter of the mold.

Specifically regarding independent claim 37, none of the prior art alone or in combination disclose or teach of a method of forming a lens having a functional layer comprising: providing a first layer, providing a functional layer smaller in size than the first layer, forming a wafer by laminating the function layer to the first layer and forming a space between the outer edges of the layers, specifically including the step of placing the wafer in a mold and injecting molten lens material into the mold to form a lens.

### *Conclusion*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

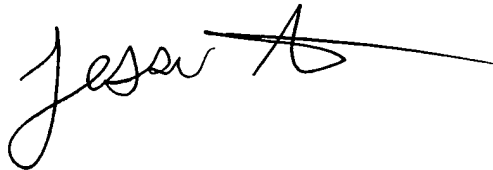
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T. Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica Stultz  
Patent Examiner  
AU 2873  
November 22, 2005



JORDAN SCHWARTZ  
PRIMARY EXAMINER

## REPLACEMENT SHEET

Approved  
by  
Examiner  
js  
11/22/05

Figure 1.

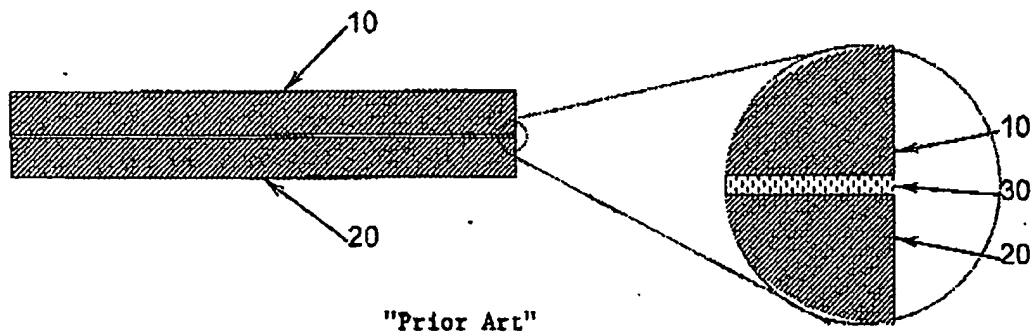


Figure 2.

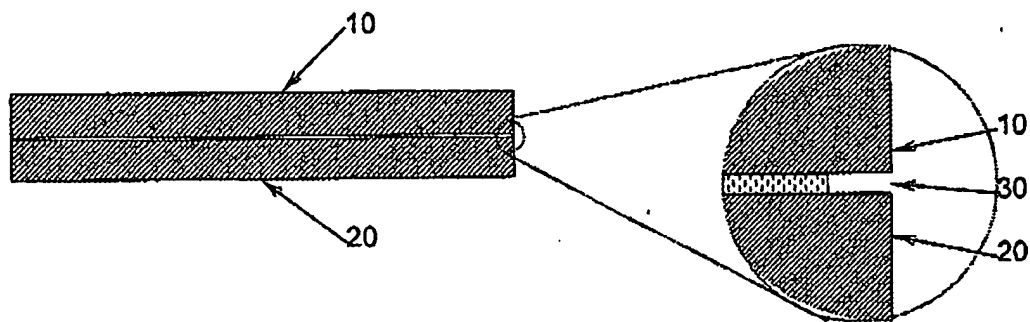


Figure 3.

